

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

-----X  
BROADCAST MUSIC, INC.; HARRICK )  
MUSIC, INC.; EMI VIRGIN SONGS, INC. )  
d/b/a EMI LONGITUDE MUSIC; STONE )  
DIAMOND MUSIC CORP.; MICHAEL JOE )  
JACKSON d/b/a MIJAC MUSIC; ABKCO )  
MUSIC, INC.; DIMENSIONAL MUSIC )  
PUBLISHING LLC d/b/a SONGS OF THE )  
KNOLL; LOWERY MUSIC COMPANY, INC.; )  
WARNER-TAMERLANE PUBLISHING CORP.; )  
CAN'T STOP MUSIC, a division of )  
CAN'T STOP PRODUCTIONS, INC.; JAMES )  
W. BUFFETT d/b/a CORAL REEFER )  
MUSIC; FOURTEENTH HOUR MUSIC, INC.; )  
SPRINGTIME MUSIC, INC.; CHRYSALIS )  
STANDARDS, INC.; SONY/ATV SONGS LLC )  
d/b/a SONY/ATV ACUFF ROSE MUSIC; )  
ROY KELTON ORBISON, JR. d/b/a R-KEY )  
DARKUS PUBLISHING; ALEXANDER )  
ORBISON d/b/a ORBI-LEE PUBLISHING; )  
BARBARA ORBISON AS TRUSTEE d/b/a )  
BARBARA ORBISON MUSIC COMPANY; )  
THOMAS J. COUCH, STEWART M. MADISON )  
and GERALD B. STEPHENSON, a part- )  
nership d/b/a MUSCLE SHOALS SOUND )  
PUBLISHING CO., a division of )  
NORTHSIDE PARTNERS; RONDOR MUSIC )  
INTERNATIONAL, INC. d/b/a IRVING )  
MUSIC; FORT KNOX MUSIC, INC.; TRIO )  
MUSIC CO., INC.; G. LOVE a/k/a )  
GARRETT DUTTON d/b/a CHICKEN )  
PLATTERS, )

Plaintiffs, )

v. )

CIVIL ACTION NO.: )

FILED  
SCRANTON

MAR 28 2008

PER

DEPUTY CLERK

ITS AMORE CORP. and T&M DRAM CORP. )  
both d/b/a AMORE ITALIAN RISTORANTE )  
and ALEXANDER J. TARAPCHAK and )  
VINCE MARINARO, each individually, )

Defendants. )

-----X

### COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

### JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

### THE PARTIES

3. Plaintiff, Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 320 West 57th Street, New York, New York 10019. BMI has been granted the right to license the public performance rights in approximately 6.5 million copyrighted musical compositions (the "BMI repertoire"), including those which are alleged herein to have been infringed.

4. The other Plaintiffs are the owners of the copyrights in the musical compositions which are the subject of this lawsuit.

All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Defendant Its Amore Corp. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, which operates, maintains and controls an establishment known as Amore Italian Ristorante, located at 223 Northern Blvd., South Abington Township, Pennsylvania 18411, in this district (the "Establishment").

6. In connection with the operation of this business, Defendant Its Amore Corp. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

7. Defendant Its Amore Corp. has a direct financial interest in the Establishment.

8. Defendant T&M Dram Corp. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, which operates, maintains and controls the Establishment.

9. In connection with the operation of this business, Defendant T&M Dram Corp. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

10. Defendant T&M Dram Corp. has a direct financial interest in the Establishment.

11. Defendants Its Amore Corp. and T&M Dram Corp. shall be collectively called the "Defendant Corporations".

12. Defendant Alexander Tarapchak is an officer of Defendant Corporations with responsibility for the operation and management of the corporations and the Establishment.

13. Defendant Alexander Tarapchak has the right and ability to supervise the activities of Defendant Corporations and a direct financial interest in the corporations and the Establishment.

14. Defendant Vince Marinaro is an officer of Defendant Corporations with responsibility for the operation and management of the corporations and the Establishment.

15. Defendant Vince Marinaro has the right and ability to supervise the activities of Defendant Corporations and a direct financial interest in the corporations and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

16. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 15.

17. Plaintiffs allege twenty-three (23) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

18. Annexed as the Schedule and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the twenty-three (23) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information: Line 1 providing the claim

number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 noting the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the Registration number(s); Line 7 showing the date(s) of infringement; and Line 8 identifying the location of the Establishment where the infringement occurred.

19. Each of the musical compositions identified on the Schedule, Line 2, were created by the persons named on Line 3 (all references to Lines are lines on the Schedule).

20. On or about the dates indicated on Line 5, the publishers named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the numbers listed on Line 6.

21. On the dates listed on Line 7, Plaintiff BMI was and still is the licensor of the public performance rights in the musical compositions identified on Line 2. On the dates listed on Line 7, the Plaintiffs listed on Line 4 were and still are the owners of the copyright in the respective musical composition listed on Line 2.

22. On the dates listed on Line 7, Defendants performed and/or caused the musical compositions identified on Line 2 to be publicly performed at the Establishment without a license or

permission to do so. Thus, Defendants have committed copyright infringement.

23. The specific acts of copyright infringement alleged, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

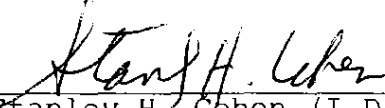
(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

March 27, 2008

By

  
Stanley H. Cohen (I.D. No. 12095)  
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Attorney for Plaintiffs

## *Schedule*

Line 1	Claim No.	1
Line 2	Musical Composition	(Shake, Shake, Shake) Shake Your Booty
Line 3	Writer(s)	Harry Wayne Casey
Line 4	Publisher Plaintiff(s)	Harrick Music, Inc.; EMI Virgin Songs, Inc. d/b/a EMI Longitude Music
Line 5	Date(s) of Registration	6/7/76 10/8/76
Line 6	Registration No(s).	Eu 684468 Ep 359373
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

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Line 1	Claim No.	2
Line 2	Musical Composition	Ain't Too Proud To Beg
Line 3	Writer(s)	Eddie Holland, Norman Whitfield
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	5/9/66
Line 6	Registration No(s).	Ep 216556
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante



Line 1	Claim No.	3
Line 2	Musical Composition	Beat It
Line 3	Writer(s)	Michael Joe Jackson
Line 4	Publisher Plaintiff(s)	Michael Joe Jackson, an individual d/b/a Mijac Music
Line 5	Date(s) of Registration	11/16/82      12/27/82
Line 6	Registration No(s).	PAu 456-334      PA 158-771
Line 7	Date(s) of Infringement	10/7/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	4
Line 2	Musical Composition	Billie Jean
Line 3	Writer(s)	Michael Jackson
Line 4	Publisher Plaintiff(s)	Michael Joe Jackson, an individual d/b/a Mijac Music
Line 5	Date(s) of Registration	12/27/82
Line 6	Registration No(s).	PA 158-772
Line 7	Date(s) of Infringement	10/7/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	5
Line 2	Musical Composition	Brown Sugar
Line 3	Writer(s)	Mick Jagger; Keith Richard
Line 4	Publisher Plaintiff(s)	Abkco Music, Inc.
Line 5	Date(s) of Registration	2/23/71      8/9/71
Line 6	Registration No(s).	Eu 235987      Ep 289673
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	6
Line 2	Musical Composition	Disco Inferno
Line 3	Writer(s)	Leroy Green; Ron Kersey
Line 4	Publisher Plaintiff(s)	Dimensional Music Publishing LLC d/b/a Songs of the Knoll
Line 5	Date(s) of Registration	2/2/77 3/1/78
Line 6	Registration No(s).	Eu 752757 PA 853
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	7
Line 2	Musical Composition	Get Down Tonight
Line 3	Writer(s)	Harry W. Casey
Line 4	Publisher Plaintiff(s)	EMI Virgin Songs, Inc. d/b/a EMI Longitude Music
Line 5	Date(s) of Registration	6/12/75 6/21/76
Line 6	Registration No(s).	Eu 591389 Ep 354211
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	8
Line 2	Musical Composition	I Can't Help Myself a/k/a Sugar Pie, Honey Bunch
Line 3	Writer(s)	Brian Holland; Lamont Dozier; Eddie Holland
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	4/22/65
Line 6	Registration No(s).	Ep 201377
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	9
Line 2	Musical Composition	I Love The Nightlife AKA Disco Round
Line 3	Writer(s)	Alicia Bridges; Susan Hutcheson
Line 4	Publisher Plaintiff(s)	Lowery Music Company, Inc.
Line 5	Date(s) of Registration	7/14/77 5/8/78 5/3/79
Line 6	Registration No(s).	Eu 802712 PAu 24-500 PA 31-856
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	10
Line 2	Musical Composition	Long Train Runnin'
Line 3	Writer(s)	Tom Johnston
Line 4	Publisher Plaintiff(s)	Warner-Tamerlane Publishing Corp.
Line 5	Date(s) of Registration	5/14/73
Line 6	Registration No(s).	Ep 311574
Line 7	Date(s) of Infringement	10/7/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	11
Line 2	Musical Composition	Macho Man
Line 3	Writer(s)	Jacques Morali; Henri Belolo; Peter Whitehead; Victor Willis
Line 4	Publisher Plaintiff(s)	Can't Stop Music, A Division of Can't Stop Productions, Inc.
Line 5	Date(s) of Registration	6/30/78 1/26/79
Line 6	Registration No(s).	PA 9-805 PA 23-809
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	12
Line 2	Musical Composition	Margaritaville
Line 3	Writer(s)	James William Buffett a/k/a Jimmy Buffett
Line 4	Publisher Plaintiff(s)	James W. Buffett, an individual d/b/a Coral Reefer Music
Line 5	Date(s) of Registration	2/14/77 2/22/80
Line 6	Registration No(s).	Eu 763463 PA 59-700
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	13
Line 2	Musical Composition	Mustang Sally
Line 3	Writer(s)	Bonny Rice
Line 4	Publisher Plaintiff(s)	Fourteenth Hour Music Inc.; Springtime Music, Inc.
Line 5	Date(s) of Registration	4/27/93 3/22/65
Line 6	Registration No(s).	RE 627-422 Eu 873659
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	14
Line 2	Musical Composition	My Way
Line 3	Writer(s)	Paul Anka; J. Revaux; C. Francois; Gillis Thibault
Line 4	Publisher Plaintiff(s)	Chrysalis Standards, Inc.
Line 5	Date(s) of Registration	3/17/69 3/25/74 11/11/76
Line 6	Registration No(s).	Eu 105025 Ep 322879 Ep 367590
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	15
Line 2	Musical Composition	Oh, Pretty Woman a/k/a Pretty Woman
Line 3	Writer(s)	Roy Orbison; Bill Dees
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Acuff Rose Music; Roy Kelton Orbison, Jr. d/b/a R-Key Darkus Publishing; Alexander Orbison d/b/a Orbi-Lee Publishing; Barbara Orbison as Trustee d/b/a Barbara Orbison Music Company
Line 5	Date(s) of Registration	1/13/92 8/28/64
Line 6	Registration No(s).	RE 569-701 Ep 191739
Line 7	Date(s) of Infringement	10/7/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	16
Line 2	Musical Composition	Old Time Rock And Roll a/k/a Old Time Rock 'N Roll
Line 3	Writer(s)	George Jackson; Thomas E. Jones, III
Line 4	Publisher Plaintiff(s)	Thomas J. Couch, Stewart M. Madison and Gerald B. Stephenson, a partnership d/b/a Muscle Shoals Sound Publishing Co., a division of Northside Partners
Line 5	Date(s) of Registration	11/11/77
Line 6	Registration No(s).	Ep 375950
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	17
Line 2	Musical Composition	Peppermint Twist
Line 3	Writer(s)	Joey Dee; Henry Glover
Line 4	Publisher Plaintiff(s)	EMI Virgin Songs, Inc. dba EMI Longitude Music
Line 5	Date(s) of Registration	2/14/89      2/14/89 10/26/61      11/20/61
Line 6	Registration No(s).	RE 428-002      RE 428-085 Eu 692812      Ep 157741
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	18
Line 2	Musical Composition	Respect
Line 3	Writer(s)	Otis Redding
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	1/4/93
Line 6	Registration No(s).	RE 608-238
Line 7	Date(s) of Infringement	10/7/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	19
Line 2	Musical Composition	Then You Can Tell Me Goodbye
Line 3	Writer(s)	John D. Loudermilk
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Acuff Rose Music
Line 5	Date(s) of Registration	2/13/90      1/22/62
Line 6	Registration No(s).	RE 469-035      Ep 159921
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	20
Line 2	Musical Composition	This Old Heart Of Mine (Is Weak For You) aka This Old Heart Of Mine
Line 3	Writer(s)	Brian Holland; Lamont Dozier; Eddie Holland; Sylvia Moy
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	1/6/66
Line 6	Registration No(s).	Ep 212086
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	21
Line 2	Musical Composition	Twist AKA The Twist
Line 3	Writer(s)	Hank Ballard
Line 4	Publisher Plaintiff(s)	Fort Knox Music, Inc.; Trio Music Co., Inc.
Line 5	Date(s) of Registration	1/8/87      6/5/87
Line 6	Registration No(s).	RE 320-234      RE 344-602
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	22
Line 2	Musical Composition	Love Is Like A Heat Wave a/k/a Heat Wave
Line 3	Writer(s)	Eddie Holland, Brian Holland, Lamont Dozier
Line 4	Publisher Plaintiff(s)	Stone Diamond Music Corp.
Line 5	Date(s) of Registration	6/25/91      7/12/63
Line 6	Registration No(s).	RE 535 914      Eu 779791
Line 7	Date(s) of Infringement	10/6/07
Line 8	Place of Infringement	Amore Italian Ristorante

Line 1	Claim No.	23
Line 2	Musical Composition	Booty Call
Line 3	Writer(s)	Garrett Dutton
Line 4	Publisher Plaintiff(s)	G. Love a/k/a Garrett Dutton, an individual d/b/a Chicken Platters
Line 5	Date(s) of Registration	10/22/04
Line 6	Registration No(s).	PA 1-248-753
Line 7	Date(s) of Infringement	10/7/07
Line 8	Place of Infringement	Amore Italian Ristorante





LAW OFFICES

**CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD.**  
PATENTS, TRADEMARKS, COPYRIGHTS

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STANLEY H. COHEN  
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THOMAS J. CLARE

A.D. CAESAR (1901-1995)  
CHARLES RIVISE (1900-1951)  
  
OF COUNSEL  
ALLAN H. FRIED, PH.D.

\* ALSO ADMITTED TO PRACTICE IN NJ  
† ALSO ADMITTED TO PRACTICE IN NY

March 27, 2008

Mary D'Andrea, Clerk  
United States District Court  
For The Middle District of Pennsylvania  
235 N. Washington Avenue  
P.O. Box 1148  
Scranton, PA 18501

Re: Broadcast Music, Inc., et al.

v.

Its Amore Corp. and T&M Dram Corp. both d/b/a  
Amore Italian Ristorante and Alexander J. Tarapchak  
and Vince Marinaro, each individually

Civil Action No. \_\_\_\_\_

Dear Ms. D'Andrea:

I enclose the following re the above entitled civil action:

- (1) Eight copies (the original and seven copies) of the Complaint.
- (2) Our check in the amount of \$350.00, made payable to Clerk, U.S. District Court, and constituting the filing fee.
- (3) A Civil Cover Sheet.
- (4) A Disclosure Statement Form.

If everything is in order, I would appreciate the return of five copies of the Complaint and four copies of the Summons for service on each of the Defendants.

I also enclose a computer disc which contains a copy of the Complaint and Disclosure Statement Form.

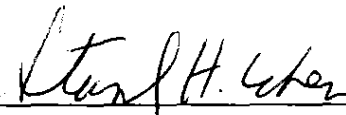
March 27, 2008  
Mary D'Andrea, Clerk  
United States District Court  
For The Middle District of Pennsylvania  
Page - 2 -

Respectfully yours,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

SHC:er  
encs.

By



Stanley H. Cohen

**SENT VIA FEDERAL EXPRESS**

Court Name: Pennsylvania Middle  
Division: 3  
Receipt Number: 333005563  
Cashier ID: gangeli  
Transaction Date: 03/28/2008  
Payer Name: CAESER RIVISE BERNSTEIN

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CIVIL FILING FEE  
For: CAESER RIVISE BERNSTEIN  
Case/Party: D-PAM-3-08-CV-000570-001  
Amount: \$350.00

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CHECK  
Check/Money Order Num: 25230  
Amt Tendered: \$350.00

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Total Due: \$350.00  
Total Tendered: \$350.00  
Change Amt: \$0.00

BROADCAST MUSIC, INC., ET.AL VS ITS  
AMORE CORPORATION, ET.AL

Only when bank clears the check or  
verifies credit of funds is the fee  
or debit officially paid or  
discharged. A \$45.00 fee will be  
charged for returned checks.